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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY B. LABRADOR, individually and on )  
behalf of all others similarly situated, )  
Plaintiff, )  
vs. )  
SEATTLE MORTGAGE COMPANY, )  
Defendant. )

Case No.: C-08-2270-SC  
CLASS ACTION

**STIPULATION AND [PROPOSED]  
ORDER RE MODIFICATION OF  
STATUS CONFERENCE ORDER**

1 Plaintiff Mary B. Labrador and defendant Seattle Mortgage Company, through their  
2 attorneys of record, hereby stipulate as follows:

3 **RECITALS**

4 WHEREAS, the Status Conference Order entered by the Court on May 1, 2009 directs the  
5 parties to complete class certification fact discovery by August 28, 2009 and requires plaintiff to  
6 file her motion for class certification on October 23, 2009; and

7 WHEREAS, plaintiff contends she had pursued discovery but has encountered  
8 unexpected delays due to the fact that most of the documents relevant to her claims were  
9 transferred from defendant Seattle Mortgage Company ("SMC") to Bank of America ("BofA")  
10 following BofA's acquisition of SMC's reverse mortgage business, and plaintiff does not believe  
11 it will be reasonably possible for her to complete the discovery necessary for her class  
12 certification motion within the next 3 weeks; and

13 WHEREAS, plaintiff will also seek leave to amend her Complaint to allege new legal  
14 theories against SMC and SMC reserves its right to oppose any amendment to the Complaint;

15 **STIPULATION**

16 IT IS THEREFORE STIPULATED AND AGREED that:

17 1. The cutoff for completion of class certification fact discovery and related actions  
18 shall be extended for a period of 9 weeks. The new deadlines shall be as follows:

19 Completion of class certification fact discovery 10/30/09

20 Plaintiff to file motion for class certification 11/20/09

21 Defendant to file opposition to motion for class certification 12/23/09

22 Plaintiff to file reply in support of class certification 1/12/10

23 Hearing on class certification 1/29/10

24 Case Management Conference 3/3/10

25 2. Plaintiff shall file either (a) her proposed First Amended Complaint along with a  
26 Stipulation with SMC agreeing to the filing or (b) a motion for leave to file her proposed First  
27 Amended Complaint on or before August 31, 2009.

28 ///

1 Dated: August 12, 2009

Respectfully submitted,

2 CHAVEZ & GERTLER LLP

3 SCHNEIDER WALLACE COTTRELL BRAYTON  
4 KONECKY LLP

5 BONNETT, FAIRBOURN, FRIEDMAN  
& BALINT, PC

6 By: \_\_\_\_\_/s/\_\_\_\_\_.

7 Nance F. Becker  
8 Attorneys for Plaintiff  
9 MARY B. LABRADOR

10 SEVERSON & WERSON

11 By: \_\_\_\_\_/s/\_\_\_\_\_.

12 Sunny Huo  
13 Attorneys for Defendant  
14 SEATTLE MORTGAGE COMPANY

15 **~~PROPOSED~~ ORDER**

16 Good cause appearing, the Court hereby approves the above stipulation and Orders that  
17 the dates set forth in the Status Conference Order entered May 1, 2009 shall be modified as  
18 follows:

19 Completion of class certification fact discovery 10/30/09

20 Plaintiff to file motion for class certification 11/20/09

21 Defendant to file opposition to motion for class certification 12/23/09

22 Plaintiff to file reply in support of class certification 1/12/10

23 Hearing on class certification 1/29/10 **2/5/10**

24 The Case Management Conference currently scheduled for January 1, 2010 shall instead  
25 take place on ~~March 3, 2010~~ **March 5, 2010**

26 IT IS SO ORDERED.

27 Dated: August 13, 2009

28 Hon. Samuel  
U.S. District

